

Committee(s):		Date(s):
Hampstead Heath Consultative Committee	- For information	3 November 2014
Subject:		Public
Hampstead Heath Ponds Project update		
Report of:		For Information
Superintendent of Hampstead Heath		
Summary		
<p>Progress towards a final scheme for the Ponds Project is continuing alongside Camden's consideration of the planning application and the judicial review.</p> <p>Camden have been delayed in their consideration of the planning application by a delay in appointing an independent reviewer for the project. It seems likely that the application will be considered by Camden in December. Officers are therefore working towards bringing an "Authority to Start Work" Report in January to secure a February start date onsite.</p>		
Recommendations		
The Hampstead Heath Consultative Committee is asked to receive this report.		

Main Report

Background

1. Since the approval of the Preferred Options in June this year, a planning application was submitted to Camden Council and Atkins have continued to work on finalising the detailed design.

Current Position

Judicial Review

2. The Heath & Hampstead Society submitted an application for a judicial review of the City's decision to proceed with the Ponds Project and select a chosen option on 19 September. The grounds for their challenge are that the City has adopted a flawed interpretation of the Reservoirs Act 1975 and that the City has adopted an irrational and unlawful approach to risk. The City does not agree with this assessment and will be contending the judicial review.
3. The judicial review of the decision to proceed with option selection for the Ponds Project will be heard by the Administrative Court on 13th and 14th November as a 'rolled up' hearing. This 'rolled up' hearing is a single hearing at which the court will determine whether permission to apply for judicial review should be granted i.e. whether there is an arguable case and then, if

so, the hearing will continue to deal with the substantive claim. The City will be represented by David Elvin QC of Landmark Chambers.

4. The City submitted its detailed grounds of defence, witness statements and other evidence to the Court on 13 October. The next stage will be for the Heath & Hampstead Society and the City to submit skeleton arguments.
5. Timescales for receiving judgements in cases of judicial review can be difficult to predict and depend on how busy the Courts are. We anticipate a timescale of between two weeks and two months, but the City will reiterate the importance of an urgent consideration to the Court.

Planning permission

6. The City submitted its planning application on 4 July. Camden have carried out the statutory public consultation and have also received responses back from the statutory consultees. The application and responses to the public consultation are available on Camden's website:
<http://planningonline.camden.gov.uk/MULTIWAM/showCaseFile.do?appType=Planning&appNumber=2014/4332/P>
7. To assist officers in preparing their report to the Development Control Committee, Camden have also commissioned an independent review by a panel engineer. This review is currently underway. It was originally intended that the Development Control Committee would consider the application at its October meeting, but due to the delay in appointing the independent review team, it now seems likely that the application will be heard in December.

Detailed design and progress towards the Agreed Maximum Price

8. Atkins have continued to work on detailed design. The landscaping and engineering drawings will be submitted to BAM Nuttall to be priced, who in turn will submit a price for the construction of the scheme to the City.

Authority to Start Work

9. The project is currently programmed to start on site with tree works and site preparation in the first quarter of 2015, with the main works starting in April. Clearly there are a number of project risks, principally in respect of the timing of planning permission. Officers are currently working towards a January Committee approval for the scheme, enabling works to start on site in February. This means that the time for tree works and site preparations is condensed, although we believe that this can be accommodated.

Corporate & Strategic Implications

10. The Ponds Project supports Key Policy Priority 5: Increasing the impact of the City's cultural and heritage offer on the life on London and the nation by supporting the provision of "safe, secure and accessible Open Spaces". The Ponds Project will ensure compliance with the current and anticipated requirements of the Reservoirs Act 1975 and deliver the concluding mitigation of Strategic Risk 11. The project also supports the City Together Strategy – "supports our communities", "protects, promotes and enhances our environment" and "is vibrant and culturally rich".

Implications

11. Officers are currently giving careful considerations to the potential programme implications of Camden's consideration of the planning application and the work towards the Agreed Maximum Price. Although a slight delay in start of enabling works is anticipated, it is believed that some of the preparatory works can be reprogrammed to keep the project within its original 18 month programme.

Conclusion

12. Detailed design for the ponds project is continuing alongside the planning application and the judicial review. Officers are carefully monitoring progress of all elements on the programme as the project progresses towards its start date.

Ponds Project Background Papers:

- CARES Flood Risk Study report
- Haycock Hydrology Improvements Detailed Evaluation Process (HiDEP): Hydrology and Structure Hydraulics and Recommendations Report
- Aecom Peer Review
- Design Review Method Statement
- Design Flood Assessment
- Constrained options report
- Shortlist Options report
- Interim Quantitative Risk Assessment and accompanying Position Paper
- Preferred Options report
- Strategic Landscape Architect Review
- Ponds Project public consultation report

All background papers are available at www.cityoflondon.gov.uk/pondsproject

Previous committee reports are available at: www.cityoflondon.gov.uk/committees

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